

(3) The term “prevention activities”, subject to section 300x-31 of this title, means activities to prevent substance abuse.

(4) The term “substance abuse” means the abuse of alcohol or other drugs.

(5) The term “treatment activities” means treatment services and, subject to section 300x-31 of this title, authorized activities that are related to treatment services.

(6) The term “treatment facility” means an entity that provides treatment services.

(7) The term “treatment services”, subject to section 300x-31 of this title, means treatment for substance abuse.

(July 1, 1944, ch. 373, title XIX, §1934, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 402.)

#### PRIOR PROVISIONS

A prior section 1934 of act July 1, 1944, was classified to section 300y-24 of this title and subsequently omitted from the Code.

### § 300x-35. Funding

#### (a) Authorization of appropriations

For the purpose of carrying out this subpart, subpart III and section 290aa-4 of this title with respect to substance abuse, and section 290bb-21(d) of this title, there are authorized to be appropriated \$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.

#### (b) Allocations for technical assistance, national data base, data collection, and program evaluations

##### (1) In general

(A) For the purpose of carrying out section 300x-58(a) of this title with respect to substance abuse, section 290bb-21(d) of this title, and the purposes specified in subparagraphs (B) and (C), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) of this section each fiscal year.

(B) The purpose specified in this subparagraph is the collection of data in this paragraph<sup>1</sup> is carrying out sections 290aa-4 and 300y of this title with respect to substance abuse.

(C) The purpose specified in this subparagraph is the conduct of evaluations of authorized activities to determine methods for improving the availability and quality of such activities.

##### (2) Activities of Center for Substance Abuse Prevention

Of the amounts reserved under paragraph (1) for a fiscal year, the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall obligate 20 percent for carrying out paragraph (1)(C), section 300x-58(a) of this title with respect to prevention activities, and section 290bb-21(d) of this title.

##### (3) Core data set

A State that receives a new grant, contract, or cooperative agreement from amounts avail-

able to the Secretary under paragraph (1), for the purposes of improving the data collection, analysis and reporting capabilities of the State, shall be required, as a condition of receipt of funds, to collect, analyze, and report to the Secretary for each fiscal year subsequent to receiving such funds a core data set to be determined by the Secretary in conjunction with the States.

(July 1, 1944, ch. 373, title XIX, §1935, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 403; amended Pub. L. 106-310, div. B, title XXXIII, §3303(g), Oct. 17, 2000, 114 Stat. 1211.)

#### PRIOR PROVISIONS

A prior section 1935 of act July 1, 1944, was classified to section 300y-25 of this title and subsequently omitted from the Code.

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-310, §3303(g)(1), substituted “\$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003” for “\$1,500,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994”.

Subsec. (b)(1)(B). Pub. L. 106-310, §3303(g)(2), substituted “sections 290aa-4 and 300y of this title” for “section 290aa-4 of this title”.

Subsec. (b)(2). Pub. L. 106-310, §3303(g)(3), made technical amendment to reference in original act which appears in text as reference to section 300x-58(a) of this title.

Subsec. (b)(3). Pub. L. 106-310, §3303(g)(4), added par. (3).

#### SUBPART III—GENERAL PROVISIONS

### § 300x-51. Opportunity for public comment on State plans

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will make the plan required in section 300x-1 of this title, and the plan required in section 300x-32 of this title, respectively, public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the plan (including any revisions) and after the submission of the plan to the Secretary.

(July 1, 1944, ch. 373, title XIX, §1941, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 403.)

### § 300x-52. Requirement of reports and audits by States

#### (a) Report

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will submit to the Secretary a report in such form and containing such information as the Secretary determines (after consultation with the States) to be necessary for securing a record and a description of—

(1) the purposes for which the grant received by the State for the preceding fiscal year under the program involved were expended and a description of the activities of the State under the program; and

(2) the recipients of amounts provided in the grant.

<sup>1</sup>So in original. The words “is the collection of data in this paragraph” probably should not appear.

**(b) Audits**

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State will, with respect to the grant, comply with chapter 75 of title 31.

**(c) Availability to public**

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will—

(1) make copies of the reports and audits described in this section available for public inspection within the State; and

(2) provide copies of the report under subsection (a) of this section, upon request, to any interested person (including any public agency).

(July 1, 1944, ch. 373, title XIX, §1942, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 403; amended Pub. L. 104-316, title I, §122(e), Oct. 19, 1996, 110 Stat. 3837.)

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-316 struck out “and the Comptroller General” after “with the States” in introductory provisions.

**§ 300x-53. Additional requirements****(a) In general**

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will—

(1)(A) for the fiscal year for which the grant involved is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved; and

(B) ensure that, in the conduct of such peer review, not fewer than 5 percent of the entities providing services in the State under such program are reviewed (which 5 percent is representative of the total population of such entities);

(2) permit and cooperate with Federal investigations undertaken in accordance with section 300x-55 of this title; and

(3) provide to the Secretary any data required by the Secretary pursuant to section 290aa-4 of this title and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

**(b) Patient records**

The Secretary may make a grant under section 300x or 300x-21 of this title only if the State involved has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under the program involved or by any entity which is receiving amounts from the grant.

(July 1, 1944, ch. 373, title XIX, §1943, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 404; amended Pub. L. 102-352, §2(a)(12), Aug. 26, 1992, 106 Stat. 939.)

## AMENDMENTS

1992—Subsec. (a)(3). Pub. L. 102-352 substituted “section 290aa-4 of this title” for “section 290bb-21 of this title”.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-352 effective immediately upon effectuation of amendment made by Pub. L. 102-321, see section 3(1) of Pub. L. 102-352, set out as a note under section 285n of this title.

**§ 300x-54. Disposition of certain funds appropriated for allotments****(a) In general**

Amounts described in subsection (b) of this section and available for a fiscal year pursuant to section 300x or 300x-21 of this title, as the case may be, shall be allotted by the Secretary and paid to the States receiving a grant under the program involved, other than any State referred to in subsection (b) of this section with respect to such program. Such amounts shall be allotted in a manner equivalent to the manner in which the allotment under the program involved was determined.

**(b) Specification of amounts**

The amounts referred to in subsection (a) of this section are any amounts that—

(1) are not paid to States under the program involved as a result of—

(A) the failure of any State to submit an application in accordance with the program;

(B) the failure of any State to prepare such application in compliance with the program; or

(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State under the program;

(2) are terminated, repaid, or offset under section 300x-55 of this title;

(3) in the case of the program established in section 300x of this title, are available as a result of reductions in allotments under such section pursuant to section 300x-1(d) or 300x-4(b) of this title; or

(4) in the case of the program established in section 300x-21 of this title, are available as a result of reductions in allotments under such section pursuant to section 300x-26 or 300x-30 of this title.

(July 1, 1944, ch. 373, title XIX, §1944, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 404.)

**§ 300x-55. Failure to comply with agreements****(a) Suspension or termination of payments**

Subject to subsection (e) of this section, if the Secretary determines that a State has materially failed to comply with the agreements or other conditions required for the receipt of a grant under the program involved, the Secretary may in whole or in part suspend payments under the grant, terminate the grant for cause, or employ such other remedies (including the remedies provided for in subsections (b) and (c) of this section) as may be legally available and appropriate in the circumstances involved.

**(b) Repayment of payments****(1) In general**

Subject to subsection (e) of this section, the Secretary may require a State to repay with